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Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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county auditor to the clerk of each political subdivision affected. (Act Apr. 26, 1941, c. 480, §2.)

6-11. Distribution of payments.—Every such agreement shall state the year or years for which the payments are to be made in lieu of the taxes that would have been levied upon the premises concerned for such year or years if the same has been subject to taxation. All payments made by the United States under any such agreement shall be received by the county treasurer and shall be distributed in the same manner and in the same proportions as such taxes for each year or years would have been distributed. (Act Apr. 26, 1941, c. 480, §3.)

6-12. Statement of names of political subdivisions.—Each agreement entered into pursuant to Section 2 shall contain the names of the political subdivisions with respect to which it is consummated, and a statement of the proportionate share of the payment by the United States to which each subdivision shall be entitled. (Act Apr. 26, 1941, c. 480, §4.)

6-13. Political subdivision may make agreement with United States.—If the United States declines to deal with a county board with respect to any political subdivision whose jurisdictional limits are within or coextensive with the limits of the county, or in the event the jurisdictional limits of a political subdivision lie in more than one county, that subdivision is hereby authorized to make request of the United States for payment of such sums in lieu of taxes as the United States may agree to pay, and is hereby empowered to enter into agreements with the United States for the performance by the subdivision of services for the benefit of a project and for the payment by the United States to the subdivision, in one or more installments of such sums in lieu of taxes. The amount of such payment may be based upon the cost of performing such services during the period of the agreement, after taking into consideration the benefits to be derived by the subdivision from the project, but shall not be in excess of the taxes which would result to the political subdivision during said period if the real property of the project within the political subdivision were taxable. Whenever any

payment is received by a subdivision under an agreement entered into pursuant to this section, the governing body of such subdivision shall issue a receipt for such payment. (Act Apr. 26, 1941, c. 480, §5.)

6-14. Disposition of money received.—All money received by a political subdivision hereunder shall be used in like manner as the proceeds of taxes upon the premises concerned. (Act Apr. 26, 1941, c. 480, §6.)

6-15. Construction of Act.—No provision of this act shall be construed to relieve any political subdivision of this state, in the absence of an agreement for payment of sums in lieu of taxes by the United States as provided in this act, of the duty of furnishing, for the benefit of a project, all services which the subdivision usually furnishes for property in and persons residing within the subdivision without a payment of sums in lieu of taxes. (Act Apr. 26, 1941, c. 480, §7.)

COMMON LAW DECISIONS RELATING TO CHAPTER IN GENERAL

1. In general.

A claim statute may recognize legal obligations of state if it sees fit so to do, and it may compensate by direct appropriation or it may waive immunity from suit. *Westerson v. S.*, 291NW900. See Dun. Dig. 8831.

Repeal of remedy does not mean loss of right or of consent to suit by the state. *State v. Stassen*, 294NW647.

2. Liability for torts.

General rule is that a governmental agency is not answerable for damages sustained as result of negligence of its officers or agents in performance of governmental functions. *Westerson v. S.*, 291NW900. See Dun. Dig. 8831.

By Laws 1939, c. 420, the state waived its sovereign immunity to suit for damages caused by the location, relocation, construction, reconstruction, improvement, maintenance, and supervision of the trunk highways system to the extent and within the limits therein specified. *Id.* See Dun. Dig. 8831.

State cannot be sued without its consent, and laws 1937, ch. 480, §1, was not a consent to a suit for injuries in an explosion in a garage where trucks of maintenance department of state highway system were stored and where state employees negligently spilled gasoline. *Underhill v. S.*, 294NW643. See Dun. Dig. 8831.

3. Liability on contracts.

Legislature may prescribe such terms and conditions for right of recovery against state as it deems appropriate. *State v. Wm. O'Neil Sons Co.*, 296NW7. See Dun. Dig. 8831.

CHAPTER 3

The Legislature

40. Members of Legislature excused from court duties.—No member or officer of, of any attorney employed by the Legislature shall be compelled to attend as a witness in any court of this state during the session of the Legislature; unless the court in which the action is pending upon sufficient showing shall otherwise order with the consent of the presiding officer of the body of which such witness is an employee or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in court or before any commission or officer or referee thereof or motion or hearing therein, in which a member or officer of, or any attorney employed by the Legislature is a party, attorney or witness shall be tried or heard during such session of the Legislature, but shall be continued until the Legislature shall have adjourned. Such member or officer of, or attorney employed by the Legislature may, with the consent of the body of the Legislature of which he is a member or officer, or employed by, waive such privilege and in such case such cause or proceeding, motion, or hearing may be tried or heard as such time as will not conflict with legislative duties. (As amended Act Mar. 4, 1941, c. 45, §1.)

AMENDMENTS TO THE CONSTITUTION

46. Notice publication.—At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will be read when amended, together with such portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. Prior to the election, the secretary of state shall give three weeks published notice of such statement in all legal newspapers of the state. The secretary of state shall furnish such statement in plate form to such newspapers, the expense of which shall be borne by said newspapers. The maximum rate for such publication shall be 25 cents per folio for each of the three publications, but shall not exceed \$50.00 for each newspaper unless the publication exceeds 80 inches in length, in which case the excess shall be paid for at the rate of 15 cents per inch for each publication thereof. Pro-

vided, that daily newspapers having a bona fide circulation, not including exchanges or other complimentary circulation, of 10,000 shall receive 75 cents per folio for the first publication and 35 cents per folio for each of the two subsequent publications; not to exceed \$150.00 for each of such daily newspapers. Provided, however, that if any newspaper shall refuse the publication of said amendments such refusal and failure of the publication shall have no effect on the validity of such amendments. He shall also forward to each county auditor a number of copies of such statement, in poster form, sufficient to enable him to supply

at least six of such copies for each election district of his county. The auditor shall furnish such copies to the town, village and city clerks, who shall give three weeks posted notice thereof, and cause one copy to be conspicuously posted at each polling place on election day. Willful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor. (As amended Apr. 9, 1941, c. 136, §1.)

Statement by attorney general of purpose and effect of amendment to constitution proposed by Laws 1939, chapter 447. Op. Atty. Gen., (86a-38), Feb. 5, 1940.

CHAPTER 3A

Organization of State Government

ARTICLE I.—DEPARTMENTS OF STATE GOVERNMENT

53-1t. Transfer of real estate owned by state between state departments.—In order to facilitate the transfer of the control of state owned lands between state departments of government and avoid the necessity of condemning state lands by a department of government of said state, any department of the state government of the State of Minnesota may acquire the control of state lands for said public purposes from the department of state government having such lands under its control and supervision, upon such terms and conditions as may be mutually agreed upon by the heads of the interested state departments. (Act Apr. 23, 1941, c. 387, §1.)

53-1u. Same.—Failure to agree—Executive Council.—In the event the heads of such departments are unable to agree as to the terms and conditions of a transfer of control of said state lands the Executive Council of the State of Minnesota, upon application of a state department having the power to acquire lands for public purposes, shall determine the terms and conditions and may order the transfer of the control of state lands to the department so requesting. (Act Apr. 23, 1941, c. 387, §2.)

53-1v. Same.—Transfer of funds.—The state auditor and the state treasurer are hereby authorized and directed to transfer funds between state departments to effect the terms and conditions to transfer the control of real estate as hereinbefore provided. (Act Apr. 23, 1941, c. 387, §3.)

53-1w. Same.—Transfer documents—Filing.—The transfer of control of real estate as hereinbefore provided shall be made on such transfer documents as the Attorney General of the State of Minnesota shall prescribe, and all such transfer documents shall be permanently filed in the office of the state auditor. (Act Apr. 23, 1941, c. 387, §4.)

53-1x. Deductions from salaries of employees—Payment of borrowed money—Savings accounts.—The heads of the various departments of the government of the State of Minnesota are hereby authorized, by and with the written consent of any employee of any state department, to deduct from the salary of such employee such sum or sums as may be agreed to by such employee for the payment of any moneys borrowed from any state employees credit union or for the purpose of creating a savings account in behalf of such employee or employees as the case may be.

This act shall take effect and be in force from and after its passage. (Act Apr. 26, 1941, c. 464, §1.)

ARTICLE II.—EXECUTIVE COUNCIL

53-3. Powers and duties of council—Meetings.

Executive council has no authority to approve or put into operation a welfare group plan of accident, health, and surgical benefits sponsored by an insurance company, whereby deductions are to be made from salaries of

state employees for payment of premiums. Op. Atty. Gen., (249B-9), Feb. 27, 1940.

ARTICLE III.—DEPARTMENT OF ADMINISTRATION AND FINANCE

53-4b. State agencies are included in act.

Commission of administration has control over employment and compensation of agents of Railroad and Warehouse Commission in weighing and inspection of grain, but power to approve salaries and salary schedules is vested in director of civil service, to be thereafter approved by civil service board, and thereafter approved by commissioner of administration, but after salary schedules have once been approved, commissioner of administration has no power or right to change or reduce individual salaries within classification and schedules. Op. Atty. Gen. (644), Aug. 22, 1940.

53-7. Classification, grading, titles and salaries of state employees.

Commission of administration has control over employment and compensation of agents of Railroad and Warehouse Commission in weighing and inspection of grain, but power to approve salaries and salary schedules is vested in director of civil service, to be thereafter approved by civil service board, and thereafter approved by commissioner of administration, but after salary schedules have once been approved, commissioner of administration has no power or right to change or reduce individual salaries within classification and schedules. Op. Atty. Gen. (644), Aug. 22, 1940.

53-18b. Powers and duties of the Commissioner.—Subject to other applicable provisions of this chapter and to other laws not inconsistent herewith, the commissioner shall have the following powers and duties respecting all agencies of the state:

(1) To purchase, rent or otherwise provide for the furnishing of all supplies, materials, equipment, printing and utility services, prescribed standard specifications therefor, to provide for inspecting and testing the same, and otherwise to enforce compliance with such specifications; to prescribe and designate classes of state printing. (As amended Act Apr. 22, 1941, c. 381, §1.)

(2) To prescribe time, manner, authentication and form of making requisitions for supplies, materials, equipment, printing, and utility services, and the manner and form in which claims therefor shall be submitted, allowed, and paid;

(3) To supervise and control the making of all contracts for building, highways, and other improvements, and to prescribe the amount of certified checks, deposits, or bonds to be submitted in connection with bids and contracts, when not otherwise provided for by law;

(4) To cause to be prepared plans and specifications for the construction, alteration, or enlargement of all state buildings, structures, and other improvements except highways and bridges; to approve such plans and specifications; to advertise for bids and award all contracts in connection with such improvements; to supervise and inspect all work relating thereto; after any contract for such an improvement is let, to approve all lawful changes in plans and specifications; to approve estimates for payment; and to accept such